

## **REMARKS**

### **Request to Withdraw of Finality of Office Action**

Applicant respectfully requests that Examiner Harbeck withdraw the finality of the Office Action so that Applicant's representative may have an opportunity to discuss the present application with the examiner currently assigned to the application. It was not until the final office action was sent that Applicant learned that Examiner Vincent is no longer assigned to the present application. Applicant would appreciate an opportunity to discuss the present application with the examiner currently assigned to the case prior to being required to respond to a final office action.

During a July 27 telephone interview with Examiner Vincent to discuss the present application, Applicant's representative learned that Examiner Vincent did not actually prepare the first office action. Applicant's representative was lead to believe at the time of the interview that Examiner Vincent would be examining the present application. Applicant's representative proceeded with the telephone interview with the understanding that Examiner Vincent would be examining the present application. Had Applicant's representative known that Examiner Vincent would not be examining the present application, Applicant's representative would have waited to conduct a telephone interview.

### **Claim Rejections under 35 U.S.C. § 103**

The Examiner has maintained the rejection of claims 1-9 and 25 under 35 U.S.C. § 103(a) as being unpatentable over Norris (U.S. Pat. 6,105,007) in view of "New Sites

on the World Wide Web Management Accounting" (Reference E) and "Metairie Bank Joins the Internet" (Reference B). It is the Examiner's position Norris teaches Applicant's invention except for locating and presenting financial card offers. References E and B are believed to teach multiple credit card offers from multiple financial institutions. It is the Examiner's position It would have been obvious to one of ordinary skill in the art to modify the Norris invention to offer multiple cards from multiple institutions.

The Examiner has further maintained the rejection of claims 10-24 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Norris, Reference B, and Reference E in further view of Lockwood (U.S. Pat. 6,289,319). It is the Examiner's position Norris, Reference B, and Reference E teach the limitations of claim 10 except for a first database for storing financial institution data comprising financial institution selection criteria and financial offering data for participating financial institutions and a second database for storing credit history data, and one or more servers adapted as claimed. It is the Examiner's position Lockwood teaches these additional features including selection criteria for automatically processing financial applications and that it would be obvious to one of skill in the art to modify or interpret the combination of Norris, Reference B, and Reference E to implement the above features related to selection criteria as taught by Lockwood because to do so would have been an improvement in making sure the customer gets the best product and the bank gets the proper level of risk so they can make more money.

The Examiner states that in response to the June 8 Office Action no arguments were made concerning the Examiner's prima facie case of obviousness. Applicant

respectfully disagrees. To establish a prima facie case of obviousness, the Examiner must provide 1) some suggestion or motivation to modify the reference or to combine reference teachings, 2) a reasonable expectation of success, and 3) a combination of references that teach or suggest all the claim limitations. Applicant specifically stated in the response to the June 8 Office Action that "the cited references, alone or in combination, do not teach selection or location of financial offers for an applicant and therefore, cannot support the present rejections." Applicant respectfully submits that a statement alleging the failure of the prior art references alone or in combination to teach specific claim elements is an argument concerning prima facie obviousness because it relates to a failure to meet the third requirement for establishing prima facie obviousness.

Regardless of whether there is any motivation to combine Norris, Reference E, and Reference B, the combination simply fails to teach or suggest all of the claim limitations. Each of the references is directed to online credit card applications. Each reference states explicitly, or in some cases simply suggests, that a user may complete an online credit card application to obtain a credit card. In some instances, a user may make a selection from a plurality of applications. However, none of the references teach or even suggest card offers that are selected or located for the applicant according to the applicant's application data and/or rating.

Only the Norris reference provides any discussion regarding the use of application and rating data (Col. 6, lines 33-51) and after applying for a loan or credit card states in Col. 6, lines 45-51 that "[t]he applicant's credit report is obtained from the credit bureau by transaction processor 10, evaluated using an underwriting model 90, to

be described more fully below, and a decision is made based on the results of the evaluation by underwriting model 90, which results are in the form of a score and an associated risk factor, to grant or deny the loan or credit card application." Norris requires a user to apply for a loan or credit card before the applicant's credit data is used for any reason. In particular, the credit data is used only for underwriting purposes to approve the loan or credit card for which the user is applying. Applicant respectfully submits that Norris does not teach or even suggest using application and/or rating data to select financial card offers for a user. The other cited references have a similar deficiency and fail to consider a user's application and/or rating data to select financial card offers for a user. In the prior art, it is only after the user has selected a credit card and completed the application that the application data and/or rating data are used. Applicant respectfully submits that prior art references directed to the use of application/credit data for underwriting purposes cannot support rejections of the claims as amended in the first Office Action.

The Examiner asserts the amended claims relate to selection and location of financial card offers on behalf of an applicant and that the previous Office Action demonstrated that the prior art teaches selection and location of financial card offers on behalf of an applicant. Applicant respectfully submits, however, neither the previous Office Action nor the current Office Action considers the way in which application data and/or rating data is used by the present invention to select and locate financial cards for an applicant. As explained previously, the prior art fails to teach selection and location of financial card offers using application data and/or rating data. Instead, it teaches use of application and/or rating data to underwrite a loan or credit card.


Applicant respectfully submits the prior claim amendments indicate clearly that offers are selected or located for the applicant using credit data and rating information and that the selected offers are presented to the applicant for review. An applicant may then choose one of the offers that has been located according to the application/credit rating data. Applicant respectfully submits the Norris, Reference E, and Reference B prior art references relied upon by the Examiner which teach the availability of online loan or credit applications and the use of ratings to approve loan or credit applications cannot support the rejection of Applicant's amended claims which are directed to selecting or locating offers for a credit applicant. Applicant further respectfully submits that Norris, Reference E, and Reference B cannot support the rejection of the claims and therefore, cannot be combined with Lockwood to support the rejection of the claims.

### **Conclusion**

Applicant respectfully submits that the present application is in condition for allowance, and such action is earnestly requested.

Respectfully submitted,

Date: December 30, 2005

  
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